

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA

v.

HOSAM SAAD AL-BADERI(1)

JUDGMENT IN A CRIMINAL CASE

Case Number: 2:12-CR-0383-JCM-CWH

USM Number: 19319-081

MARGARET STANISH

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) ONE [1] OF THE SECOND SUPERSEDING INFORMATION☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

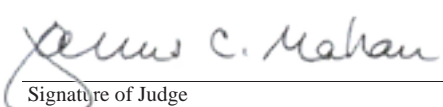
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C.§1956(a)(1)(A)	Financial Transaction to Promote Unlawful Activity &	4/12/2012	1
(i) & 18 U.S.C.§2	Aiding and Abetting		

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) _____☒ Count(s) Indictment, SS indictment ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

11/10/2014

Date of Imposition of Judgment



Signature of Judge

James C. Mahan,

U.S. District Judge

Name and Title of Judge

November 14, 2014

Date

DEFENDANT: HOSAM SAAD AL-BADERI(1)
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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

(24) months

☒ The court makes the following recommendations to the Bureau of Prisons:

1. Englewood, Colorado
2. Florence, Colorado

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☒ before 2 p.m. on 3/13/2015.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: HOSAM SAAD AL-BADERI(1)

CASE NUMBER: 2:12-CR-0383-JCM-CWH

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

(3) years

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The Defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually. Revocation is mandatory for refusal to comply.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: HOSAM SAAD AL-BADERI(1)

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SPECIAL CONDITIONS OF SUPERVISION

1. Debt Obligations - You shall be prohibited from incurring new credit charges, opening additional lines of credit, or negotiating or consummating any financial contracts without the approval of the probation officer.
2. Community Service - You shall complete 8 hours of community service, as approved and directed by the probation officer.
3. Access to Financial Information - You shall provide the probation officer access to any requested financial information, including personal income tax returns, authorization for release of credit information, and any other business financial information in which you have a control or interest.
4. Mental Health Treatment - You shall participate in and successfully complete a mental health treatment program, which may include testing, evaluation, and/or outpatient counseling, as approved and directed by the probation office. You shall refrain from the use and possession of beer, wine, liquor, and other forms of intoxicants while participating in mental health treatment. Further, you shall be required to contribute to the costs of services for such treatment, as approved and directed by the probation office based upon your ability to pay.
5. Warrant less Search - To ensure compliance with all conditions of release, the defendant shall submit to the search of his/her person, and any property, residence, business or automobile under his/her control by the probation officer, or any other authorized person under the immediate and personal supervision of the probation officer without a search warrant at a reasonable time and in a reasonable manner. Provided, however, the defendant shall be required to submit to any search only if the probation officer has reasonable suspicion to believe the defendant has violated a condition or conditions of release.
6. Possession of Weapons - You shall not possess, have under your control, or have access to any firearm, explosive device, or other dangerous weapons, as defined by federal, state, or local law.
7. Report to Probation Officer After Release from Custody - You shall report, in person, to the probation office in the district to which you are released within 72 hours of discharge from custody.

Note: A written statement of the conditions of release was provided to the Defendant by the Probation Officer in open court at the time of sentencing.

ACKNOWLEDGEMENT

Upon finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed)

Defendant_____
Date_____
U.S. Probation/Designated Witness_____
Date

DEFENDANT: HOSAM SAAD AL-BADERI(1)
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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ 0.00	\$ 0.00

- ☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>

TOTALS \$ 0.00 \$ 0.00

- ☐ Restitution amount ordered pursuant to plea agreement \$ _____
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A** ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
- ☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B** ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C** ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D** ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E** ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F** ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☒ The defendant shall forfeit the defendant's interest in the following property to the United States:
"FINAL ORDER OF FORFEITURE ATTACHED"

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

<input checked="checked" type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
COUNSEL/PARTIES OF RECORD	
NOV 10 2014	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	2:12-CR-383-JCM-(CWH)
)	
HOSAM SAAD AL-BADERI,)	
)	
Defendant.)	

FINAL ORDER OF FORFEITURE

On March 24, 2014, the United States District Court for the District of Nevada entered a Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2) and Title 18, United States Code, Section 982(a)(1) based upon the plea of guilty by defendant HOSAM SAAD AL-BADERI to the criminal offense, forfeiting the property set forth in the Plea Agreement and shown by the United States to have the requisite nexus to the offense to which defendant HOSAM SAAD AL-BADERI pled guilty. Second Superseding Information, ECF No. 83; Plea Agreement, ECF No. 85; Change of Plea, ECF No. 86; Preliminary Order of Forfeiture, ECF No. 92.

This Court finds the United States of America published the notice of forfeiture in accordance with the law via the official government internet forfeiture site, www.forfeiture.gov, consecutively from March 27, 2014, through April 25, 2014, notifying all potential third parties; and notified known third parties by personal service or by regular mail and certified mail return receipt requested, of their right to petition the Court. Notice of Filing Proof of Publication, ECF No. 105.

...

1 Margaret M. Stanish, Attorney for Hosam Al-Baderi and Chief Smokes, LLC was personally
2 served with the Notice and Preliminary Orders of Forfeiture on May 30, 2014, July 10, 2014, and July
3 22, 2014, by the United States Marshals Service. Notice of Filing Service of Process, ECF No. 125, p.
4 2-26.

5 Chief Smokes, LLC c/o Hosam Al-Baderi was unable to be personally served with the Notice
6 and Preliminary Order of Forfeiture on April 11, 2014, by the United States Marshals Service as the
7 address appears to be vacant. Notice of Filing Service of Process, ECF No. 125, p. 27-35.

8 Margaret M. Stanish, Attorney for Hosam Al-Baderi (R.A. and Managing Member of Coast 2
9 Coast Enterprises NV, LLC) was personally served with the Notice and Preliminary Orders of
10 Forfeiture on May 30, 2014, July 10, 2014 and July 22, 2014 by the United States Marshals Service.
11 Notice of Filing Service of Process, ECF No. 125, p. 36-60.

12 Coast 2 Coast Enterprises NV, LLC c/o Hosam Al-Baderi Registered Agent and Managing
13 Member was unable to be personally served with the Notice and Preliminary Order of Forfeiture on
14 April 11, and April 16, 2014, by the United States Marshals Service as the current resident stated they
15 would give to the home owner but that Al-Baderi did not reside there anymore. Notice of Filing
16 Service of Process, ECF No. 125, p. 61-69 and 70-79.

17 This Court finds no petition was filed herein by or on behalf of any person or entity and the
18 time for filing such petitions and claims has expired.

19 This Court finds no petitions are pending with regard to the assets named herein and the time
20 for presenting such petitions has expired.

21 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that all right,
22 title, and interest in the property hereinafter described is condemned, forfeited, and vested in the
23 United States of America pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Fed. R. Crim. P.
24 32.2(c)(2); Title 18, United States Code, Section 982(a)(1); and Title 21, United States Code, Section
25 853(n)(7) and shall be disposed of according to law:

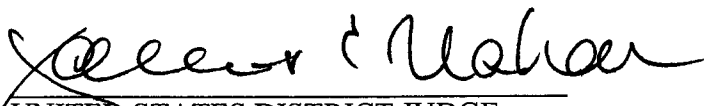
26 ...

- 1 1. \$3,877.95 in United States Currency seized from JP Morgan-Chase Bank account
- 2 #xxxxx7631 in the name of Chief Smokes, LLC;
- 3 2. \$63,157.21 in United States Currency seized from JP Morgan-Chase Bank account
- 4 #xxxxxx2176 in the name of Hosam Al-Baderi;
- 5 3. \$940.06 in United States Currency seized from Mountain America Federal Credit
- 6 Union account #xxx4339 in the name of Hosam Al-Baderi;
- 7 4. \$743.35 in United States Currency seized from Mountain America Federal Credit
- 8 Union account #xxx1021 in the name of Coast 2 Coast Enterprises NV, LLC;
- 9 5. \$18,173.00 in cash seized from Al-Baderi in Salt Lake City, UT during his arrest on
- 10 October 23, 2013; and
- 11 6. 2008 Mercedes-Benz, Model C163, bearing Utah license number 9745006, with
- 12 vehicle identification number WDDEJ77X28A015593, seized at the time of Mr. Al-
- 13 Baderi's arrest in Utah on October 23, 2012.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all forfeited funds,
15 including but not limited to, currency, currency equivalents, certificates of deposit, as well as any
16 income derived as a result of the United States of America's management of any property forfeited
17 herein, and the proceeds from the sale of any forfeited property shall be disposed of according to law.

18 The Clerk is hereby directed to send copies of this Order to all counsel of record and three
19 certified copies to the United States Attorney's Office.

20 DATED this 10th day of November, 2014.

21
22
23 
24 UNITED STATES DISTRICT JUDGE
25
26